

1 KEVIN V. RYAN (CSBN 118321)
United States Attorney

2 MARK L. KROTOSKI (CSBN 138549)
3 Chief, Criminal Division

4 PHILIP J. KEARNEY (CSBN 114978)
RICHARD J. CUTLER (CSBN 146180)
5 Assistant United States Attorneys

6 450 Golden Gate Avenue, Box 36055
San Francisco, California 94102
7 Telephone: (415) 436-6758, 6867

8 Attorneys for the United States of America

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,) No.: CR 05-00507 WHA
)
13 Plaintiff,) STIPULATION AND PROPOSED ORDER
) CONTINUING DATES FOR HEARING
14 v.) AND PROPOSED ORDER EXCLUDING
) TIME BETWEEN JULY 11, 2006
15) AND AUGUST 22, 2006 FROM THE
16 BERNARD THOMAS, JR.,) SPEEDY TRIAL CALCULATION (18 U.S.C.
) §§ 3161(h)(1)(I) and 3161(h)(8)(B)(iv))
)
17 Defendant.)
) San Francisco Venue

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20 STIPULATION

21 IT IS HEREBY STIPULATED by and between the parties, through their undersigned
22 counsel that:

23 1. The parties have been in communication regarding a proposed plea agreement
24 which the parties intend to submit to the Court for review before the next calling of the case. To
25 facilitate that agreement, the parties have requested and received the "Modified Pre
26 Plea/Criminal History Investigation Report" of United States Probation Officer Cheryl L.

1 Simmone. This report has established the defendant's criminal history category and will aid in
2 the on-going settlement discussions.

3 2. That before a plea agreement can be finalized, counsel for the defendant will need
4 additional time to research the appropriate base offense level for the 18 U.S.C. 844(i) violation
5 charged in the indictment.

6 3. That counsel for the defendant is re-locating in July 2006 from the Northern
7 District of California ("NDCA"), to San Diego, California. That counsel for defendant will be
8 able to next appear on this matter in the NDCA on August 22, 2006.

9 4. That based on the defense counsel's unavailability during the month of July, and
10 the need to ensure continuity of counsel, the defendant has agreed to a continuance of the hearing
11 on his discovery motions from July 11, 2006 to August 22, 2006, at 2:00 p.m. The government
12 contacted counsel for the defendant and received her verbal authorization to enter the electronic
13 signature below.

14 5. Accordingly, the motions hearing date currently scheduled for July 11, 2006 at
15 2:00 p.m., should be continued to **August 22, 2006, at 2:00 p.m.**

16
17 DATED: 7/11/06

KEVIN V. RYAN
United States Attorney

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20 /S/

PHILIP J. KEARNEY
RICHARD J. CUTLER
Assistant United States Attorney

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23
24 DATED: 7/11/06

/S/

ELENA CONDES
Counsel for defendant BERNARD THOMAS, JR.

ORDER

Based upon the above Stipulation, and for good cause appearing, THE COURT HEREBY
ORDERS THAT:

The motions hearing previously scheduled for July 11, 2006 is continued to
August 22, 2006, at 2:00 p.m. and that the time between July 11, 2006 and August 22, 2006 is
excluded from the speedy trial calculation pursuant to 18 U.S.C. §§ 3161(h)(1)(I) and
3161(h)(8)(B)(iv)).

SO ORDERED.

DATED: 7/17/06

